

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

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4 PATRICK PETE STOVER, SHERI LYNN)
STOVER,)
5)
Plaintiffs,)
6) No.
vs.) CIV-17-1002-HE
7)
STATE FARM FIRE & CASUALTY COMPANY,)
8 a foreign for-profit insurance)
corporation,)
9)
Defendant.)

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13 VIDEOTAPED DEPOSITION OF MICHAEL BERRYMAN
14 TAKEN ON BEHALF OF THE PLAINTIFFS
15 IN OKLAHOMA CITY, OKLAHOMA
16 ON AUGUST 31, 2018

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19 REPORTED BY: KAREN B. JOHNSON, CSR

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1 part of what happens in estimating.

2 Q So you said that your company could come
3 in and do the restoration work just being paid for
4 by State Farm and return the Stovers' home to its
5 preloss condition?

6 A Yes, based -- based on -- now, I guess I
7 need to ask you what -- what time frame, then or now
8 or --

9 Q Well, let's start with now because you saw
10 it in June of '18, so let's start with June of '18,
11 would you have been able to restore the Stovers'
12 home for the price paid to them by State Farm?

13 A Well, best way for me to answer that would
14 be to answer that any time a customer asks me at any
15 time, here's -- here's what our insurance company
16 has estimated, can you do this scope of work for
17 this price, that's really what they're asking, and
18 so I look at it and I say yes. And then I -- I tell
19 them all, because it's part of -- it's part of the
20 operating procedure in our business, then I would
21 say to them, I don't think I've ever had a project
22 that when it got started, there wasn't something
23 that needed to be added to the estimate, either
24 something that was missed, something that was
25 miscalculated, something that's not available. And

1 I tell them, look, there's going to be supplemental
2 estimates in this.

3 So if you were asking me today, would you
4 go out there and do this scope of work that's in
5 here now for the pricing that's in here, the answer
6 to that is, yes. But I would also say in
7 performance of the work, once the slab's cleaned
8 off, once the Sheetrock's taken down, I'm not saying
9 that I wouldn't have to go back and say, hey, here's
10 something that we found or we applied for the
11 building permit, the code official said we've got to
12 do XYZ, then I -- I would estimate that for the
13 policyholder and submit it to the carrier and get
14 that approved.

15 Q I understand the concept of supplements,
16 and that's what you're describing, isn't it?

17 A Yes.

18 Q And, in fact, you said there's a process
19 throughout your report, you used that term, didn't
20 you?

21 A Yes.

22 Q And the first part of that process is
23 for -- before you get to the supplement process, the
24 insurance company and the insured or the insurance
25 company and the insured's contractor need to work